

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

October 6, 2014

Tonia Moxley
The Roanoke (va.) Times
tonia.moxley@roanoke.com

Re: FOIA 14-536

Dear Ms. Moxley:

I write to respond to your narrowed Freedom of Information request of September 22, in which you requested:

“-Any correspondence – electronic or otherwise - to the university chancellor, the university provost, the American Indian Studies department head or the University of Illinois board of trustees from individuals or groups protesting Dr. Steven Salaita’s employment from June 1, 2014 to Sept. 22, 2014.

- Any written responses – electronic or otherwise - from the university chancellor, the university provost, the American Indian Studies department head or the University of Illinois board of trustees to outside groups about Dr. Salaita, his political views on Israel and the Israel-Palestinian conflict or his employment with the university from from June 1, 2014 to Sept. 22, 2014.”

I have gone through most of the documents in the links you sent that contain responses to other FOIA requests related to Salaita; however, many of the names and titles of the senders have been redacted. Surely this is not common practice, as the point of making these documents transparent to the public is to show who is lobbying the university on this matter. I would like to see copies with the names and titles intact, please.

On another matter, I would like to request the meeting calendars for the following U of I employees on the following dates (showing who, when and where the employees were scheduled to meet): Phyllis Mischo for July 24, 2014 and Phyllis Wise for Aug. 1, 2014.”

Our office has conducted a preliminary search for the documents for the first two points of your request. We again appreciate that you narrowed the scope of your request. However, with the short response time allowed by the FOIA, your request remains burdensome to the University. The narrowed search would still require the search, collection and review of thousands of potentially responsive communications.

Pursuant to Section 3(g) of the Act, we would like to extend to you an opportunity to modify your request to make it of more manageable proportions. We recommend that you limit your request to a very narrow timeframe and that you limit your request to either communications between a limited number of specified University employees or between a limited number of specified University employees and specified outside groups. If you do not reduce the request, it shall be treated as a denial.

Office for University Relations

Urbana • 108 Henry Administration Building • MC 370 • 506 South Wright Street • Urbana, IL 61801 • (217) 333-6400 • Fax (217) 333-5733
Chicago • 414 Administrative Office Building • MC 971 • 1737 West Polk Street • Chicago, IL 60612-7228 • (312) 996-3772 • Fax (312) 996-1836

In response to point three of your request, in which you asked that names and titles in the documents we previously provided to you not be redacted, the university stands behind its original assertion that these names and titles are exempt under the FOIA pursuant to section 140/7(1)(c) of the act. Section 7(1)(c) exempts from production:

“Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. ‘Unwarranted invasion of personal privacy’ means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information.” 5 ILCS 140/7(1)(c).

In this case, the individuals whose names were redacted were not involved with the Steven Salaita employment matter; instead they were just individuals who contacted senior administrative staff to express their opinions. This information is highly personal. The release of such information would not only be objectionable to a reasonable person, but could lead to a chilling effect in which individuals would not feel comfortable in contacting University staff to share their thoughts. Based on the foregoing, the individuals’ right to privacy outweighs any legitimate public interest in obtaining such information. Therefore, such information was redacted from the documents.

Please note, section 7(1)(f) of the FOIA exempts from production:

“Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.”

While the University could have redacted entire emails in which individuals expressed their opinions under section 7(1)(f), in the interest of transparency, the University chose to release the emails unredacted and only redacted information concerning the drafter’s identity for the personal privacy reasons set forth above.

Information responsive to the last point of your request is available and attached. These are public documents numbering 2 pages.

Portions of these documents have been redacted pursuant to the following section(s) of the Act:

- 140/7(1)(c) that exempts from disclosure “Personal information contained within public records, the disclosure of which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” This includes the names and identifiable information of private citizens.

Should you wish to inspect or receive a physical copy of these documents, please call Melanie Kuehn at the phone number below and she will provide you with all necessary details.

You have a right, under the law, to seek a review of this response by the Public Access Counselor (PAC) in the Office of the Attorney General. The PAC may be reached by phone at 217-782-1396, by email to publicaccess@atg.state.il.us, or by postal mail at the Public Access Bureau, 500 S. 2nd Street, Springfield, Illinois 62706. You also have the right to seek judicial review under section 11 of this Act.

If you have questions for our office, please contact 217-333-6400.

Sincerely,

Thomas P. Hardy
Executive Director
and Chief Records Officer